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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

RICHARD D. ROBERTS, JR.

Plaintiff,

VS.

MICHAEL J. ASTRUE, Commissioner of Social Security,

Defendant.

NO. CV-08-0080-CI

ORDER ADOPTING REPORT AND RECOMMENDATION

Magistrate Judge Imbrogno filed a Report and Recommendation (Ct. Rec. 16) on March 26, 2009, recommending Defendant's Motion for Summary Judgment be granted and Plaintiff's Motion for Summary Judgment be denied. Objections to the Report and Recommendation were due on April 13, 2009. There being no objections to the Report and Recommendation, the Court ADOPTS the Report and Recommendation's analysis and conclusion.

Accordingly, IT IS HEREBY ORDERED:

- 1. Defendant's Motion for Summary Judgment (Ct. Rec. $\underline{12}$) is GRANTED.
- 2. Plaintiff's Motion for Summary Judgment (Ct. Rec. $\underline{11}$) is DENIED.
 - 3. Judgment shall be entered for Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION - 1

Case 2:08-cv-00080-CI Document 17 Filed 04/16/09

This file shall be CLOSED. IT IS SO ORDERED. The District Court Executive shall forward copies of this Order to counsel for Plaintiff and Defendant. **DATED** this <u>16th</u> day of April 2009. S/ Edward F. Shea EDWARD F. SHEA United States District Judge Q:\Civil\2008\0080.R&R.orderadopting.wpd

ORDER ADOPTING REPORT AND RECOMMENDATION - 2